



the Administrator may prescribe. The regulation found at 40 C.F.R. § 167.85(d) requires such pesticide reports to be filed annually on or before the first of March.

Subsequently, Complainant and Respondent entered into negotiations in an attempt to arrive at an amicable resolution of this matter. This Consent Agreement and Final Order set forth herein below is the result of these negotiations and represents settlement of this Complaint.

### **CONSENT AGREEMENT**

It is hereby agreed, and accepted by Respondent, that:

1. This Consent Agreement is being entered into by the Parties in full settlement of, and release from all FIFRA civil penalties that might have attached as a result of the allegations in the Complaint. Respondent has read the Consent Agreement, finds it reasonable and consents to its issuance and its terms and explicitly waives its right to request a hearing on the Complaint, this Agreement, or the attached Final Order.

2. Respondent admits the jurisdictional allegations of the Complaint and admits the facts set forth therein.

3. Respondent neither admits nor denies the violations of Section 12(a)(2)(L) of the FIFRA, 7 U.S.C. § 136j (a)(2)(L) and Section 7(c) of FIFRA, 7 U.S.C. § 136e(c) as set forth in the Complaint and neither admits nor denies that such violations are violations of Section 14 of FIFRA, 7 U.S.C. § 136l.

4. Respondent certifies by signing this Consent Agreement and Final Order that it is

presently in compliance with FIFRA, 7 U.S.C. 136 et seq., and all regulations promulgated thereunder.

5. Nothing in this Consent Agreement shall be construed as a release from, or to insulate Respondent from, any other action under any law and/or regulation administered by the U.S. Environmental Protection Agency.

6. Each party shall bear its own costs and attorneys' fees in the action resolved by this Consent Agreement.

7. Each signatory of this Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

8. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the completion of required documentation in mitigation of the civil penalty as specified in paragraph "2" of this Final Order.

#### **FINAL ORDER**

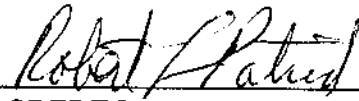
Pursuant to Section 14 of FIFRA, as amended, 7 U.S.C. § 136l, and upon information contained in this Consent Agreement of the parties herein, IT IS HEREBY ORDERED THAT:

1. Respondent shall remain in compliance with FIFRA and all regulations promulgated thereunder.

2. Respondent, in settlement of the allegations set forth in the Complaint, shall pay by cashier's or certified check, a civil penalty, for the violation cited therein, in the amount of Four Thousand and Four Hundred Dollars (\$4,400.00), payable to the "Treasurer, United States

In the Matter of Producers Cooperative Association  
of Girard  
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IT IS SO ORDERED. This Order shall become effective immediately.

  
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ROBERT L. PATRICK  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region VII

Date: October 31, 2003

IN THE MATTER OF Producers Cooperative Association of Girard, Respondent  
Docket No. FIFRA-07-2003-0182

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:


Copy hand delivered to  
Attorney for Complainant:

Kent Johnson  
Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by U.S. Certified Mail,  
Return Receipt Requested, to:

Rodney Mein  
Agronomy Manager  
Producers Cooperative Association of Girard  
164 W. 640<sup>th</sup> Avenue  
Girard, Kansas 66743

Dated: 10/31/03

  
Kathy Robinson  
Regional Hearing Clerk